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## Sui Juris, volume 06, number 03

Boston College Law School. Student Bar Association

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# *Sui Juris*

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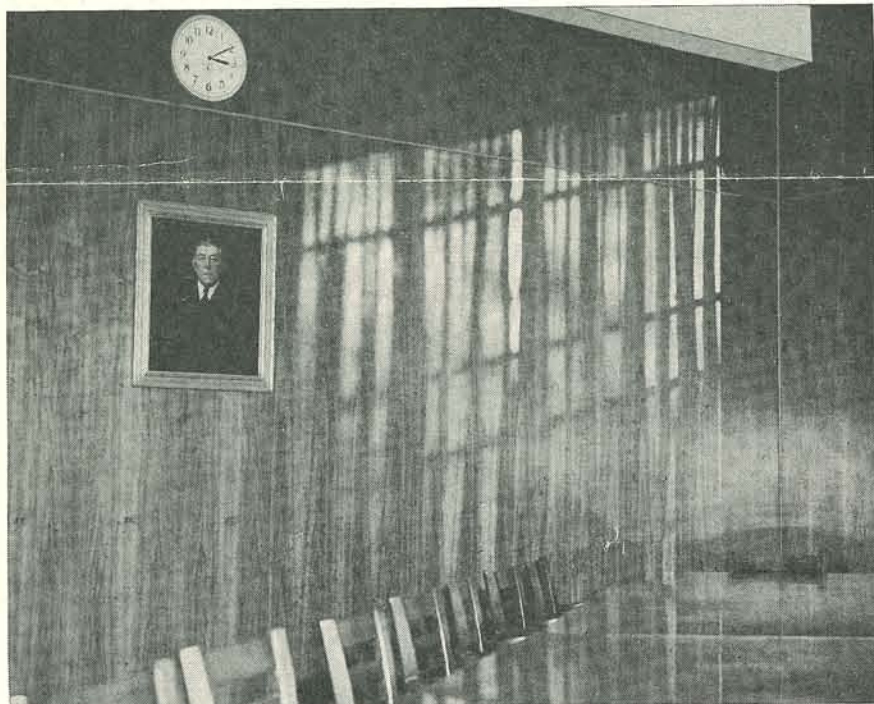
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Vol. 6, No. 3

BOSTON COLLEGE LAW SCHOOL

December 1961

## JAMES JOSEPH RONAN SEMINAR



The physical plant of the law school has recently been enhanced by the remodeling of a seminar room in honor of the late Associate Justice James Joseph Ronan of the Supreme Judicial Court of Massachusetts.

Since the law school frequently plays host to conferences and seminars of various civic and educational organizations of the City, the room will serve a vital purpose and will be in constant use even when classes are out of session.

The facilities of the Ronan Seminar are ideal for medium-sized groups. The walls, walnut paneled from ceiling to floor, and the huge conference table reflect a rather official and serious impression. There is a southeastern exposure and the room overlooks the most wide open and scenic aspect of the Boston College campus.

## WINTER EDITION OF LAW REVIEW TO BE OUT IN JANUARY

The Editorial Board of the Law Review anticipates late January, 1962 as being the publication date of their Winter edition.

This edition will particularly evidence the continued and conscientious efforts of the Article and Book Review Editor Richard H. Colman. Burdened with the primary responsibility of soliciting noted authors in the various commercial law fields, Mr. Colman has produced excellent results. The forthcoming edition will contain five or six lead articles.

The planning of the publication of lead articles is not a simple one day affair. Since most articles require from six months to a year for their preparation, the Article Editor must use accurate foresight in his solicitations of authors and in the subject matter to be covered. Mr. Colman must continually keep in contact with the prospective authors to make sure that they meet their agreed deadlines. He must also render any assistance the authors might require in their writing.

As a result of Mr. Colman's efforts the Winter edition of the *Review* will contain several very interesting and scholarly articles.

(Continued on Page Four)

Mr. Justice James Joseph Ronan was born in Salem, Massachusetts, in 1884. He received his A.B. from Boston University and was graduated magna cum laude from Boston University Law School in 1908. In the same year he was admitted to the Massachusetts Bar and began private practice in Salem. During the years 1932-33, Mr. Ronan served as Counsel for the Massachusetts Crime Commission and later distinguished himself as First Assistant Attorney General from 1934 to 1938. On July 7, 1938, he was appointed Associate Justice to the Supreme Judicial Court of Massachusetts.

Mr. Justice Ronan held honorary doctorate degrees from Boston University, Northeastern, Suffolk and Boston College.

We have often heard a great deal of concern expressed over the "image of the attorney." Indeed, the American Bar Association is perennially seeking to lift professional standards and to convey a more favorable "image" to the American people.

If integrity, knowledge and a capacity for hard work are some of the qualities which we want this image to contain, the students of Boston College Law School owe a debt of gratitude to the family and friends of Mr. Justice Ronan who have, by their contributions, made possible the preservation of his memory in the James Joseph Ronan Seminar.

Plans for a formal dedication are being finalized.

## LAWLER & MADDEN RECEIVE CLERKSHIP APPOINTMENTS

Two Boston College Law School seniors have been selected to fill Clerkship positions following graduation. John J. Madden will become Law Clerk for the Honorable Ami Cutter, Associate Justice of the Supreme Judicial Court of Massachusetts, Francis J. Lawler will become Law Clerk for the Honorable Paul Reardon, Chief Justice of the Superior Court of Massachusetts.

These clerkship appointments represent the end result of careful scrutiny and consideration on the part of the school and the judges themselves, upon whom the final choice rests. This final determination is based on academic and extra-curricular achievement and personal interviews with the judges. Those ultimately chosen have best met the personal standards demanded by the individual judges.

Jack Madden earned his A.B. at Boston College which he attended on a full scholarship graduating summa cum laude. He was Class Salutatorian and a member of Alpha Sigma Nu, the National Jesuit Honor Society.

Upon entering law school, he was granted a Presidential Scholarship which he has maintained throughout his three years and presently ranks first in the graduating class. Along with his academic achievements, Madden is Case Editor of the Law Review and was the winner of the second year Moot Court Competition.

Madden was employed last summer by the firm of Herrick, Smith, Donald, Farley & Ketchum. He presently re-

sides with his family at 71 Euston Road, Brighton.

Fran Lawler received his A.B. at Amherst College which he attended on a full scholarship. He served as a Research Assistant in the Political Science Department, was a member of the Student Council and the Executive Committee of the House Management Committee which governed the fraternity system.

He has been a Presidential Scholar throughout his three years at Law school and is Case Note Editor of the Law Review. Lawler was Madden's partner in winning the second year Moot Court Competition. He is also a member of the Moot Court Advisory Committee.

Lawler was employed by the firm of Nutter, McClellan & Fish during the past summer months. His residence is 108 High Street in Greenfield, Massachusetts.

Both students have expressed deep satisfaction in acquiring their new positions. Of particular significance to both was the fact that Madden will work at the appellate level which is the type work he intends to pursue while Lawler will be at the trial level, his primary interest.

## EXTRA

CHRISTMAS RECESS WILL  
BEGIN ON DECEMBER 15.

## SPECIAL COMM. ON JUDICIARY MAKES REPORT TO BAR ASS'N

The Special Committee on the Judiciary has submitted an advance report to the Board of Delegates of the Massachusetts Bar Association. It was the overwhelming consensus of the Special Committee that more judicial manpower is needed in Massachusetts. In order to achieve this result two major recommendations were made: 1) To increase the Superior Court by eight judges and, 2) To increase the minimum sum in cases remanded to the District Court from \$1,000 to \$3,000. It was felt that the establishment of these two measures would bring about a more expeditious trial of important cases and would also continue the use of the increased number of District Judges. This increase in judicial manpower would also diminish the necessity of employing auditors in the Superior Court.

The committee on the Judiciary felt that the ideal toward which the Commonwealth should move would be a system under which all or at least most cases would be tried by a full-time judge appointed for life with a guarantee of no diminution of compen-

sation who, as the Constitution of Massachusetts states, could be "as impartial as the lot of humanity allow."

The committee was divided into five subcommittees who concerned themselves with the District Courts, the Probate Courts, the jurisdiction of the courts, finance and administration and the procedure. Legislation to carry out the recommendations of the Board of Delegates is now being prepared and will be introduced to the General Court.

Mr. Charles J. Dunn, the legislative representative of the Massachusetts Bar Association, will represent the Association in all phases of its attempts to enact into law those recommendations which have appeared wise to the Committee on the Judiciary and the full body of the Board of Delegates.

Dean Drinan is Chairman of the Special Committee on the Judiciary and Professor Kenneth B. Hughes served as a Research Consultant.

The specific recommendations adopted by the Board of Delegates include the following:

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## EDITORIALS

## A FINE JOB

Undoubtedly appreciated but possibly not fully realized by the student body is the unquestionably fine job being done by the newly formed Student Placement Program. An individual tip of the hat must be given to SBA President Paul Delaney, Senior Class President Don Fleming and Program Chairman John H. Sullivan; but not to be overlooked are several other students who, in toto, have given unselfishly of their time and effort in providing this year's graduating class with more job information than has ever been available from such an endeavor in the past.

Also to be commended are the Alumni whose splendid cooperation has given life to the hopes and plans which the committee has.

This entire project is one of which everyone can be justly proud. It has been a unified effort of the Administration, Alumni and Students. The result has already exceeded all expectations.

This originally small endeavor, having mushroomed to early success, will serve in the future as an example of what a unified, conscientious effort can accomplish. The hard work performed by this original committee will not only benefit the Class of '62 but all classes in the years to come; the entire student body owes this effort a sincere word of thanks.

Previously undistinguished, in this column, but always recognized by the students as a separate program of the Forum, is the Thursday Morning Forum Program. This year the Thursday Morning Program has distinguished itself by offering to the student body a series of speakers far surpassing programs in the past. While in past years many highly capable individuals have graced our rostrum, their appearances have been sparse. Since early September, this year's committee has consistently produced a capable and qualified speaker at least once every week and in some weeks two and three times. The members of the committee have confined themselves to a very limited budget. The appearance of these speakers is due to the excellent planning and personal solicitation by the committee members. Not only have the speakers been exceptional, but their many topics have been pertinent, current and vital to a legal education. Congratulations to the Morning Forum for a fine program.

## ANOTHER PRIVATE PARTY?

The other arm of the Jeckyl and Hyde body, known as the evening forum, has also been active during the past few weeks. Their endeavor of November 21 typifies the irresponsibility and secrecy of their operations which always leaves affairs in such a cloud that no one is ever able to trace problems to adequate answers.

The Forum has been repeatedly cautioned by the Board of Governors to be more explicit and open in making expenditures.

As a result of November 21, the S.B.A. has been presented with estimated expenditures that will absorb almost one-seventh of the entire S.B.A. budget. A part of this expenditure, which is a substantial amount of the bill except for the fee which the speaker received, was used to wine and dine the paid speaker.

There has been a good argument made that such public relations are certainly of value to the school, but the Forum members have not seen fit to ask the Board of Governors, as all other organizations do, whether or not this is a proper use of the student's dues. A counter argument has been made that the College should underwrite its own public relations if such an amount is to be spent for this sole purpose.

Admitting the value of such hospitality, and not deciding who should carry the expense, it would seem that the Forum should at least seek approval of the Board of Governors before certain of them are allowed to entertain speakers at downtown meals which cost approximately eight (\$8) dollars per person. There is also some question as to whether receptions should be tendered to these speakers at S.B.A. expense when only certain students are allowed to attend. Particularly since the guest list is compiled by the Forum and while it seems to include their friends from anywhere and everywhere the only students invited are the members of the Board of Governors and Forum members. The reason for this high selectivity has been stated to be that the entire student body gorging themselves with food and mauling the invited dignitaries would certainly be adverse to public relations. This determination seems to lose sight of the fact that this same student body is footing the bill for these Forum Programs.

The Board of Governors seems to have evidenced its opinion by a resolution passed at the last meeting that the Forum is no longer authorized to incur expenses over \$40 without the express consent of the President and that, from now on, any programs costing over \$100 must be presented to the Board for approval.

This problem will be brought to a test at the next S.B.A. meeting since the Forum has already gone ahead with another program. This new program includes such blunders as advertising the wrong hall as the place in which the speech will be made and creating such confusion that even the Governor's office didn't know whether the talk he was preparing or the one which the Forum was proposing was the real thing.

If the student body is disturbed with these goings on, there is no one to blame but themselves. Sitting in the cafeteria complaining won't help. The next S.B.A. meeting will be in January. There is ample time to speak with your class officials and to plan to attend the meeting yourself. If the students themselves can't make the effort to participate in the school government then they should be estopped to complain.

## LETTERS TO THE EDITOR

To the Editor:

Notwithstanding the innocuous content of the Letter to the Editor appearing in the November 1961 issue of *SUI JURIS*, signed by some thirty-one persons, presumably members of the Law Forum Committee, I would like to go

on record as not having seen the letter prior to its submission to your office and not having signed nor authorized the use of my signature.

J. RONALD FISHBEIN  
Vice-President of the Forum

To the Editor:

This is to take exception to your view that the Forum is not an organization of "markedly diverse political conviction," in spite of the fact that the alleged signatures of 31 members of the Forum appear in a letter responding to your editorial.

This writer felt that your editorial was a reasonable, well-stated observation on the position that the Boston College Law School student body should take regarding partisan politics, and I was greatly surprised at the strong reaction evoked from the 31 "signatories."

This writer is by conviction a liberal Democrat, and is not "so quick to defend a Republican ad," vis-à-vis your position which is held to be that of a liberal or Democrat.

The Forum in its letter is able to put on the mask of political unanimity in opposition to your editorial by the simple expedient of "signing" the signatures of all Forum members regardless of the "signatories'" actual position. This last statement is made in view of the fact that my signature, for one, was unsolicited and unauthorized.

JOHN A. KEOUGH

To the Editor:

Please note my exception to the recent *Sui Juris* editorial which advances the proposition that since approximately 70% of the members of an average class at the law school are tightly compressed academically between 3.5 and 4.5, class ranking below honor averages (5.0 or better) should be abolished, as such ranking is of no real significance. The editorial suggests that the reason for such compression of the ranks is a professorial penchant for handing out an "over-abundant number of C's and C+'s," thus making it difficult for students to differentiate themselves.

Assuming this reason to be correct and noting that the editorial fails to mention whether this proclivity of the faculty could or should be changed, the proposed solution is strikingly unfair to a large segment of the class. By eliminating class rank (and the editorial urges that the elimination embrace such "misleading yardsticks" as "top third" or "lower half"), the student at 4.9 has been equated with the one at 3.0. This will be an obviously serious handicap to the student in the upper third of the class in his search for employment. Since he will be competing with graduates of neighboring law schools, who are not at all adverse to giving out A's and B's, the best hope for the BCLS graduate to be able to distinguish himself is his class rank. Yet, this is precisely the measure that the editorial would have abolished.

The solution appears to be unrealistic, also. As any senior who has yet attempted to gain employment will testify, the established law firms are acutely interested in the class standing of the applicant. Often, it seems that little else

is really considered. Hiring partners will demand that information as to class rank be known to them. To present to them a homogeneous mass of BCLS graduates, incapable of academic differentiation, will surely sound the death knell for the ambitious placement program this school has instituted. As just one example of the many problems that would occur, the Attorney General's Office in Washington, D.C. will consider for its Honors Program only the top fifth of the graduating class. Are those students who fall short of 5.0 and yet are in the top fifth of their class to be denied the privilege of applying to this Program?

The editorial speaks of a hypothetical student who, because of one especially poor grade, finds himself ranked in the lower regions of the class. The editor argues that to protect such a student from this "injustice," there should exist some sort of "equalizer" (the word actually used in the editorial). The "equalizer," of course, turns out to be the proposal for the abolishment of class ranking. Perhaps there is some logic or fairness in this proposal, but it completely escaped this reader. In order to assist a limited number of "one bad mark" victims, the editor would extend his panacea to those more numerous students whose legal careers so far have been distinguished only by consistent mediocrity. Why should the latter be equated with their classmates in the upper third who studied hard to get there? This seems to be the real "injustice."

If a particular student does find him-

(Continued on Page Four)

## Sui Juris

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WILLIAM E. WHITE, JR.  
Editor-in-Chief

WALTER L. MURPHY  
Associate Editor

JOHN WALKEY  
Business Manager

REV. JOHN A. TOBIN, S.J.  
Faculty Moderator

STAFF: Hugh Duffy, Paul Graves, H. Wayne Judge, Martin O'Donnell, Arthur Podolsky,  
Lewis Rosenberg, Edward Thornton, Robert F. Sylvia.



# Alumni News...

The recent luncheon tendered to B.C. graduates at the Boston Club following the swearing in ceremonies to the Massachusetts Bar was the most successful ever held. Over 180 friends, relatives, members of the Alumni and faculty joined with the recent graduates in celebrating this occasion.

Both the Dean and Professor "Pops" O'Keefe addressed the gathering. The Dean commented that the Class of '61 contained two firsts at the law school. Ralph Good is the first son of a B.C. Law School grad to be graduated from the law school, his father was a member of the Class of '47, and Rep. William Bulger is the first graduate to be a member of the Massachusetts General Court at the time of his graduation.

## AWARD TO HONOR PROF. O'KEEFE

A member of the Alumni, who wishes to remain anonymous, has contributed a substantial sum of money to inaugurate an award to be given in honor of Professor William J. O'Keefe. He hopes to increase the fund during the next few years.

The faculty would welcome any suggestions by which manner this award can be made so that Professor O'Keefe's 30 years of service can be duly commemorated.

## LAW DAY

Plans have already begun in preparation of Law Day to be celebrated on May 1. The theme of Law Day this year is "The Law-Wellspring of Liberty."

## FACULTY

Members of the faculty are continuing their efforts to attract top rate talented college students to the study of law. This search is primarily a further step in the intensive screening process here at B.C., but the ultimate result should be a great benefit to the profession as a whole.

Dean Drinan will address students at Canisius, Manhattan, Holy Cross, Georgetown and several other colleges and universities.

Professor Paul M. Hart will speak with students at Clark University, Sienna, and the University of Rhode Island.

Professor Grimes will visit Harvard, Yale, and Brown; while Professor Moynihan will journey to the University of Massachusetts and the University of New Hampshire.

Professor McCarthy, the Registrar, will go to Fairfield, Providence College, Babson, Stonehill and American International.

Bowdoin, Bates and Colby will host Professor James Smith; Professor Hughes will visit Boston University, Northeastern and Trinity.

Father Nicholson, S.J., will speak at Assumption, Merrimack and Saint Anselm's.

Six members of the faculty will attend the convention of the Association of American Law Schools to be held in Chicago on December 28, 29, and 30.

## DEAN

On November 11, and 12, the Dean attended a meeting of the National Executive Committee of the Policy Board of the Law School Admission Board in New Orleans, La.

The Dean addressed the First Friday Club of Boston on November 3.

Father Drinan represented Boston College Law School at the dedication of Fordham Law School on November 17 and 18.

*Life, Death and the Law* written by Norman St. John Stevas is reviewed by Father Drinan in the November-December Issue of Religious Education.

The Dean will participate in a Seminar of the Boston College School of Education on December 14. Atty. Charles Coolidge, acting President of Harvard University and a senior partner in Ropes & Gray, and Attorney General Edward J. McCormack complete the panel which will discuss a "Code of Ethics for Public Servants."

This discussion will appear on local television of Friday, December 15.

On Sunday, January 14, the Dean will speak at the Temple Emanuel in Worcester. His topic will be the Blue Laws.

## AMONG THE ALUMNI

### Henry M. Leen, '32 —

served on Governor Volpe's Special Commission to study Sunday laws.

### Casper T. Dorfman, '36 —

former Assistant Attorney General, announces the opening of his offices for the general practice of law at 41 Tremont Street, Boston 8, Massachusetts.

### Sidney Dunn, Jr., '41 —

was recently made President of the Volunteer Co-operative Bank, Boston, Massachusetts.

### Felix J. Cerrato, '42 —

re-appointed City Solicitor of Greenfield, Massachusetts.

### William J. Kirk, '42 —

has been appointed one of three trustees to operate the New York, New Haven and Hartford Railroad during its reorganization.

### Charles E. Berry, '51 —

is counsel for the Catholic Hospital Association with headquarters in St. Louis, Missouri.

### Charles V. Ryan, '51 —

brother of Philip J. Ryan, '58, has become Mayor of Springfield.

### Peter F. Hines, '52 —

has been re-elected to the Boston City Council.

### Maurice J. Murphy, Jr., '53 —

is presently the Deputy Attorney General for the State of New Hampshire.

### J. Norman O'Connor, '53 —

Mr. O'Connor who practices law in Adams, Massachusetts, has been appointed co-chairman with Sylvio Conte, '49, of the Boston College Centennial Development Drive in Berkshire County.

### Stanislaw R. J. Suchecki, '53 —

has been appointed by W. Arthur Garrity as Assistant U.S. Attorney.

# ALUMNI WITNESS LIE DETECTOR TEST

On November 13, the Alumni Association joined in a Mass of Requiem in memory of the deceased members of the Alumni. The Mass was celebrated in St. Ignatius Church.

Following the Mass, those in attendance journeyed to the law school where a meal was served in the cafeteria.

John F. Cremens, '41, Chairman of the affair, had arranged a demonstration of a lie detector test which was held in the O'Keefe Lounge. Mike Cullinane of the Massachusetts State Police explained to the gathering the use and mechanics of the lie detector. Mr. Cullinane was one of the proponents for the use of the lie detector in Massachusetts and is considered to be the authority on this subject in this section of the country. He pointed out that the machine is not infallible and in response to questions he answered that for this reason he felt that results should not be admitted into evidence. Cullinane stressed the fact that lie detection is primarily an aid in the investigation of crime. From his personal recollection he informed the group of the many times this method had been instrumental in solving crimes and related specific instances and the part which the lie detector had played in solving these crimes.

Mr. Joseph Swidler, a U.S. Army expert on the subject, showed slides of actual graphs that were used in solving crimes. He told the gathering how these graphs were interpreted and the significance of the rises and falls which appeared on the graphs. A detailed analysis would not have been of significance, since Swidler himself, is one of a very limited number through-

out the United States who are considered proficient in making a detailed reading of a graph. He re-emphasized a fact which Cullinane had pointed out earlier, that being that lie detector results have often protected the innocent and have been instrumental in the dismissal of complaints against individuals who, through later investigations or subsequent confessions, have been completely cleared of any suspicion.

Swidler then gave the lie detector test to Miss Sheila McGovern, '60, and William E. White, '62. The audience was permitted to stand close enough to view the machine in operation, and while these were far from the actual conditions under which the test is given, and this would effect the physical reaction of the subject, in a number of instances the inexperienced audience could see from the graph that the subjects were lying.

Swidler pointed out that a strong emotional interest in the question and answers as would be experienced by a suspect would create a more apparent physical reaction than the one being produced by the subjects. To emphasize this point he prefaced one of his questions with the remark that it would call for a very personal answer. While he never completed the question, the expectation by the subject caused a wider sweep of the arm on the graph and it immediately became apparent that any variation caused by a lie would be even more exaggerated than those previously recorded.

A good number of the Alumni were present and it is hoped that an even greater number will attend the social evening to be held in January.

## JANUARY MEETING PLANNED

The Alumni Association has announced that a committee under the Chairmanship of Eugene Lyne, '51, comprised of William J. Dooley, '52, Henry M. Leen, '32, John J. Mahoney, '34, Hon. Arthur J. Sullivan, '35, is planning a social evening to be held on Wednesday, January 10, 1962.

Tentative plans include dinner at the B.C. Law School Cafeteria followed by attendance at the Boston College-Harvard hockey game. One hundred tickets have been reserved for the Alumni and their friends and are available on a first come, first served basis.

Letters will be sent to all Alumni with all the particulars of this social evening.

### Joseph M. Harvey, '55 —

has been appointed Town Counsel for the Town of Winthrop, Mass.

### Louis A. Petrarca, Jr., '55 —

was appointed Judge of the Probate Court of the Town of West Warwick, Rhode Island, in July, 1961.

### Richard J. Bennett, '56 —

law office located at Room 1105 Exchange Building, 53 State Street, Boston, Massachusetts.

### George E. Donovan, '57 —

has become associated with the firm of Lyne, Woodworth & Evarts, 75 Federal Street, Boston, Massachusetts.

### Edwin J. Dwyer, '58 —

has his office for the general practice of law at 623 Pleasant Street, Brockton, Massachusetts.

### William K. Danaher, Jr., '59 —

is practicing law in Springfield with Daniel Keyes, former Judge of the District Court of Chicopee.

### Raymond V. Picard, '59 —

has been appointed Legal Assistant for the U.S. Army Engineer Division, New England Corps of Engineers, Waltham, Massachusetts.

### Edward V. Puopolo, '59 —

is an instructor at the Northeastern School of Business.

### Quinlan J. Shea, Jr., '59 —

received his LL.M. at Harvard in 1960 and is now teaching at the JAG school in Charlottesville, Virginia.

### Ralph J. Carrigan, '60 —

is with the Federal Trade Commission as an attorney with the Bureau of Field Operations, Washington Office, Arlington, Virginia.

### Edward F. Harrington, '60 —

has become associated with the Justice Department in Washington, D.C.

(Continued on Page Four)



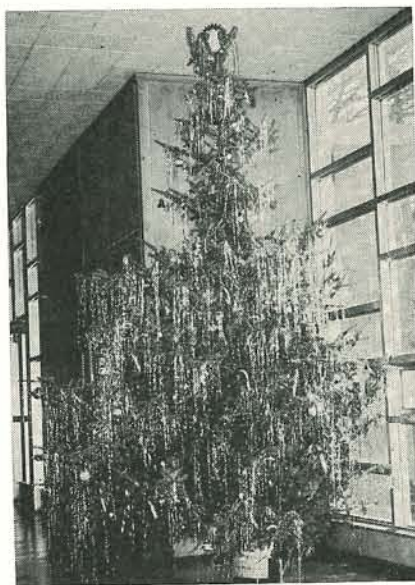
## DR. SOUTTER DISCUSSES THE MEDICAL EXPERT

Dr. Lamar Soutter, former Dean of the Boston University School of Medicine, addressed the student body at the Thursday Morning Forum Program on November 30. Dr. Soutter discussed the obligations of a physician as an expert witness, to himself, to his profession, and to the court in an action for medical malpractice.

The former Dean expressed a feeling that disclosure was the main duty of such a witness. While recognizing that a trial is by its nature an adversary proceeding, he stated that answers and remarks of a physician should not be left up in the air, the duty of negating improper inferences should not be left to opposing counsel on cross examination but should be exposed by the witness whenever he realizes that such

might be drawn. As an example of such a principle in practice, he cited the system in California where an expert testifies neither for the plaintiff nor the defendant but rather as a witness for the court. Prior to trial, representatives from both sides meet with this expert and through argument and compromise one line of medical expertise is agreed upon, regardless of the adverse effects which the true facts may have on either of the parties.

Dr. Soutter also discussed the fee which should be paid to an expert witness. He felt that the lower the fee, the less inclined an individual would feel obligated to render his testimony in such a way as to favor one party over the other.



CHRISTMAS AT THE LAW SCHOOL

### LAW REVIEW

(Continued from Page One)

William E. Hogan, formerly a professor at this school and now teaching at Cornell Law School as well as acting as a consultant on New York's proposed Uniform Commercial Code, will author an article based on a broad inquiry into the creation of "purchase money" (a personal property security device), its perfection and effectiveness against the various classes of third parties.

In a very informative article, John H. Brink of Hollywood, California, will discuss the various claims that arise between a lessor of personal property and other persons who claim an interest against the lessee under documents such as deeds of trust and real and chattel mortgages which contain after-acquired property clauses.

In accordance with the *Review's* desire to put forth a complete and comprehensive coverage of the Uniform Commercial Code, Robert Haydock, Jr. of Bingham, Dana & Gould has written an article for the Winter edition on the filing provisions of Article 9 of the Uniform Commercial Code. This article will give the reader a clearer insight into this complex Code section.

The problems of Management's rights to injunctive relief when it has refused to bargain will be the subject of an article by Laurence M. Kearns. Mr. Kearns is a partner with the Boston firm of Morgan, Brown, Kearns & Joy.

Probably the first complete analysis of a new and vital commercial topic will be Eugene D. Anderson's article on the "piggy-back" plans.

Other writings in the forthcoming edition will be a labor law comment by John R. Hally of the firm of Nutter, McClenen & Fish; a book review in the field of aviation law; as well as case notes, legislative comments, and U.C.C. comments.

## ROSARY

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### LETTERS

(Continued from Page Two)

self in the lower portion of the class solely on the strength of one very low grade, this fact will be readily apparent on his record and it should not jeopardize his employment possibilities too severely. It certainly does not require that all academic differentiation among 85% of the class be abolished.

The basic issue is much deeper. All life is competitive and nowhere is the competition keener than in the crowded legal profession. To eliminate the indicia of competition, such as class ranking, will not eliminate the competition. To homogenize the academic records of a large group of individuals will not make them equal because they are not equal.

The kind of thinking exhibited in this editorial can be frightening in its possibilities. Would the editor next suggest that all personal income over \$10,000 a year be confiscated by the government in order to protect those less fortunate individuals who do not earn that much because they received "one bad break" in life?

John J. Madden

### (EDITOR'S REPLY)

While we agree that dropping class rank is not the ultimate solution, your concern over students between 5.0 and 4.5 seems exaggerated. In our class this group contains only five individuals, four of whom can reach 5.0 by raising their average only hundredths of a point. Furthermore, if we are going to draw a line, someone will be close enough to be hurt, but what better place is there than at the Dean's List?

The equalizer of which we spoke was not for the sole benefit of students who received one bad mark, but also for students who are overrun in class standing by the straight C student who was fortunate to receive one A. It does not appear on a student's record that this is why he is one or more places lower in class standing.

Your own letter only substantiates the inadequacy of labels. While you refer to the hardworking upper third, the fact of the matter is that the upper third is only tenths of a point above the lower third, and yet, you attribute to them some quality which the lower third does not possess.

Naturally, such a change does not make all students equal but it does remove an artificial characterization of who is worse due to a minute fraction.

## LAW WIVES

The Law Wive's Association has announced its slate of officers for the 1961-62 school year. They are: President—Trudy Marvel; Vice-President—Roberta Spitz; Recording Secretary—Irene Reagan; Corresponding Secretary—Madeline Schultz; and Treasurer—Marilyn Curran.

The Association conducts programs throughout the year of interest to women and in particular of interest to wives of potential lawyers. Along with these affairs they co-sponsor social activities with the Student Bar Association.

Earlier this year they were addressed on the topic "Obligations of a Wife" by Mrs. Mary Connors.

### ALUMNI NEWS

(Continued from Page Three)

#### Robert A. Romero, '60 —

has his office of law at 250 Arborway, Jamaica Plain 30, Mass.

#### Edward P. Ryan, '60 —

has become associated with the office of Malloy, Sullivan and Myerson, 10 State Street, Boston, Massachusetts.

#### George B. Vasco, '60 —

has become associated with the law office of John E. Herlihy, 1002 Main Street, Walpole, Massachusetts.

#### Barrett S. Wayne, '60 —

has become associated with the firm of Schlesinger and Manvelian, 18 Tremont Street, Boston, Massachusetts.

#### Aaron K. Bikofsky, '61 and Barry J. Walker, '61 —

have opened their offices for the general practice of law at 100 Concord Street, Framingham, Massachusetts. Aaron K. Bikofsky has also been appointed Assistant D.A. of Middlesex County by John A. Droney, District Attorney.

#### Kevin R. Doyle, '61 —

is an Assistant Attorney General and Harold E. Clancy, '61, former managing editor of the Boston Traveler, have opened offices at One State Street, Boston, Massachusetts.

#### Joseph P. Dunn, Jr., '61 —

is Agency Counsel for the Massachusetts Life Insurance Company for Connecticut.

#### Walter T. Evans, '61 —

is with the Federal Trade Commission in the Bureau of Deceptive Practices, Division of Food & Drug Advertising, Washington, D.C.

#### Robert E. Galvin, '61 —

has become associated with Francis H. Farrell, Esq., 294 Washington Street, Boston, Massachusetts in the general practice of law.

#### Ralph C. Good, Jr., '61 —

is a Civilian Attorney with the Department of the Army.

#### Raymond A. Letourneau, '61 —

has become associated with Mr. George Ponte, 405 County Street, New Bedford, Massachusetts.

#### Elliott J. Mahler, '61 —

has become associated with the firm of Berman and Lewenberg, 73 Tremont Street, Boston, Massachusetts.

#### Robert F. McGrath, '61 —

has become associated with the Firm of Crane, Inker, Oteri and Marino, 41 Tremont Street, Boston, Massachusetts.

#### Ronald E. Oliveira, '61 —

has become associated with the law office of Albert S. Silverman, Pittsfield, Massachusetts.

#### John F. Sisk, '61 —

has opened his offices for the general practice of law at 8 Beacon Street, Boston 8, Massachusetts.

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## ELECTIVES ANNOUNCED

The Administration has announced that the following classes are available as electives for the second semester.

### DAY DIVISION

Creditor's Rights  
Jurisprudence  
Land Use and Planning  
Taxation II  
Trade Regulations  
Seminar in Constitutional Problems  
Seminar in Labor Law Problems  
(Judicial Administration  
or  
Seminar in Criminal Procedure)\*

\*The Administration feels that because of the overlapping of much of the material in these two courses it will not be to the advantage of the student to take both of these courses.

### NIGHT DIVISION

(Estate Planning  
or  
Federal Courts)  
(Seminar in Criminal Procedure  
or  
Family Law)  
Seminar in Labor Law Problems  
Elective (not announced)

## THURSDAY FORUM

On Thursday, December 7, Atty. Jerome Doyle, addressed the student body in the Roberts Lounge on the topic "The Wall Street Lawyer." Mr. Doyle was a top honor student and debater in the Class of 1931 at Boston College and graduated from Yale Law School in 1934.

Mr. Doyle displayed a vast background of information and wisdom concerning the opportunities of practicing in a large metropolitan firm. He is a senior partner in the New York City firm of Cahill, Gordon, Reindel & Ohl.

Vice-President of the Forum, J. Ronald Fishbein, has announced that the following speakers will address the Thursday Morning Forum in January.

On January 4, Thomas J. McLernon, General Manager of the Metropolitan Transit Authority, will discuss "Government Subsidy of Public Transportation."

On January 11, Edward J. Logue, Esq., of the Boston Redevelopment Council will discuss a topic not yet announced.

Fishbein has indicated that plans are being considered to bring to members of the night school the benefit of the Thursday Morning Program. The suggested plan will present a program on one Wednesday evening each month between 7:30 and 8:30 pm. The hour lost will be made up by the students in the evening class by extending the Wednesday and Friday classes from 9:30 to 10:00 pm.

The Innovation has been well received by the Registrar, Prof. Joseph F. McCarthy. Approval by the S.B.A. Representatives and the faculty, and the overcoming of scheduling difficulties will permit implementation of this program in February 1962.

Daily Rosary  
12:10 Room 302

## Hon. R. Ami Cutter Spoke at Forum

On Thursday, November 16, the Honorable R. Ami Cutter, Associate Justice of the Supreme Judicial Court of Massachusetts, addressed the student body under the auspices of the Morning Forum Program on the topic "Presentation of an Appellate Argument."

Justice Cutter emphasized form rather than content in his remarks, since this phase applies to all arguments while the latter would be more confined.

The Justice pointed out that the manner of presentation is just as important as the content of the argument. It is basic to an appellate argument to be completely familiar with the rules of court and to observe them. He added that it is essential to familiarize the bench with the facts of the case and to be completely informative in referring to citations and points in the brief.

Justice Cutter concluded by stressing that it is not necessary to consume all the time that is allotted for oral argument. In many instances counsel can make their points in only a fraction of this time and on such occasions they should do so. He added that if more time is necessary and the bench feels that an argument should be fully heard, an attorney will never be deprived of justice by a limitation on the length of his oral argument.

## CUNNINGHAM DISCUSSES "CIVIL AFFAIRS"

On Wednesday, November 29, the student body was addressed by a distinguished alumnus, Major Harold D. Cunningham, on the "Concept of Civil Affairs."

Dean Drinan introduced the speaker who acquired his LL.M. at New York University School of Law and was later a Fulbright Scholar at Oxford University in England.

Major Cunningham pointed out the declining use of the term "military government" and the rise of a concept of civil affairs which is replacing the term. Drawing on his background as an Instructor at the Army Judge Advocate's School in Charlottesville, Virginia, he emphasized the fact that military government has become equated with dictatorial powers and arbitrary rulings. Therefore, it must be replaced with a theory which more accurately portrays what military government intends to accomplish.

Major Cunningham suggested that this theory could be found in a concept of civil affairs which, rather than being a body of rules, is a whole concept. It could readily be equated with the rule of law thereby assuring the peoples of conquered lands that the military government was itself governed by a higher law. Cunningham concluded that this concept would erase the feeling that a military government makes its own rules without regard to any law.

## SOCIAL

The Law Wives' Association in conjunction with the Student Bar Association is sponsoring an informal dance to be held Saturday evening, December 16, at Alumni Hall from 8 to 12 p.m.

Under the leadership of Mrs. Trudy Marvel, Law Wives' President, Roberta Spitz, Francine Brown, Ginger Burke and Elizabeth Bergan are making detailed preparations. These include elaborate decorations and appropriate snacks on each individual table. The committee has also promised some type of favor to be given to all wives and dates in attendance.

Entertainment will be provided by a four piece orchestra and dancing will be allowed on both the main floor and upstairs.

## ON A SERVITUDE

(With Apologies to Marlowe)

Was this the servitude that launched a thousand law suits,  
And burned the topless towers of the Neponset Realty Association?  
Sweet servitude, make me immortal with a building scheme!  
Her reciprocity suck forth, my mind: see where it flees!  
Come, servitude, come, give me my mind again.  
Here will it dwell, for equity is in these lands,  
And all is dross that is not a servitude. I will be equitable, and for love of thee, Instead of Tulk, shall Lumley be sacked,  
And I will combat with weak jurisdictions,  
And wear thy colors on my plumed case-book;  
Yes, I will wound the "Rule" in the heel,  
And then return to thee for my bliss. Oh, thou art fairer than the evening air,  
Brighter art thou than the general rule. When you appeared to the hapless class of '62,  
More lovely than the monarch of the sky,  
In the professor's wanton barrelled arms;  
And none but thou shall be my paramour.

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## AN INTRAMURAL SPORTS PROGRAM

by ROBERT F. SYLVIA

There can be little doubt that sports constitute one of the main interests displayed by the students at the Law School. A casual visitor to the cafeteria would strain his ears for several hours and never hear an authoritative discussion on reciprocal negative easements or upon riparian rights, but he wouldn't have to wait long to hear that a rather nondescript left-hander named Tom Zachary served up number 60 to the "Babe," or that an equally nondescript right-hander named Frank Sullivan had recently described himself as being in the "twilight of a mediocre career." This interest is healthy. It has been characteristic of American life for years, yet the feeling remains that there should be something more. For all the interest in spectator sports, there remains little semblance of an intramural sports program here at the Law School.

The advantages of such a program are readily apparent. President Kennedy has urged that greater emphasis be placed on physical fitness, and by his own example indicated that participation sports such as touch football, golf and swimming may be a great help in achieving this end. Recently a group of New York City lawyers followed this lead by organizing touch football games in Central Park. (The advantages of this endeavor were somewhat diminished by a subsequent excursion to a local pub.) We should heed President Kennedy's advice. The legal profession, of necessity, involves a lot of physical inactivity; therefore, in order to supply necessary exercise, some sort of participation sports program should be encouraged.

There have been previous attempts to promote this type of program at the Law School which have met with varying degrees of success. The touch football rivalry has been mainly confined to single games between classes. (The author refrains from taking judicial notice of certain unauthorized skirmishes conducted on the side lawn.) These affairs are normally loosely organized, and at best provide only two games a year for each class. A basketball league was formed in 1959-1960 but after a successful first season, was never re-instituted.

On the basis of these facts, what

steps should we take in the future? As a starting point, it would seem that any proposed program should be run under S.B.A. auspices. It is suggested that a chairman be appointed from one of the two lower classes so that the experience gained in the first attempts at operation could be carried into the next year. This is necessary since it normally takes at least two years for a program of this type to gain any degree of permanency so that it will start to run itself.

In the beginning such a program should try to encompass two sports only. Once sound leagues are set up in football and basketball it may be possible to set up golf, tennis, handball and squash tournaments; the facilities for which are readily available in the area. If league standings are kept and games and tournaments run on an organized basis, sufficient interest will no doubt be forthcoming to keep the program rolling.

In conclusion, it might be well to dispel one of the most common fears concerning such a program. It is urged that it will detract from studies. Those who advocate this approach forget, however, that a lazy body cultivates a lazy mind. It is submitted that rather than detracting from studies, a proper amount of exercise allows greater concentration by removing nervous energy and thus provides greater productivity in working hours.

It is hoped that this program can be instituted at least on an experimental basis this year and put into full effect next year.

### PRE-LEGAL INSTITUTE

In view of the success of the Pre-Legal Institute held at B.C. on November 4 which was attended by representatives from 17 law schools and 62 colleges and universities, the National Executive Committee of the Law School Admission Board has taken the advice of the American Bar Association and will sponsor like affairs at Ohio State in Columbus Ohio during March and one at Marquette University in Milwaukee during May. Dean Drinan has already been invited to speak at these affairs.

### NEW ENG. INSTITUTE

The New England Law Institute, an organization fostering the continued education of lawyers in New England, will offer a series of discussions here at B.C. Law School. The first of this series will be conducted on Saturday morning, January 20. The series will consist of eleven of such programs to be held consecutively on Saturday mornings throughout the new year.

### JUDICIARY REPORT

(Continued from Page One)

1. A study should be made by a qualified group concerning the possibility of a more efficient use of judicial manpower in the District Courts. The Administrative Committee of the District Courts is, however, carrying on a most efficient operation and has adequate power to regulate the administration of the District Courts.

2. The possibility of the use of six-man juries in shire towns in the District Courts where no Superior Court sittings are in session should be explored.

3. The increasing of the amount of damages in transfer cases from \$1,000 to \$3,000 could well bring to the District Courts more cases where such cases could be disposed of without an undue burden to the District Courts. The Board of Delegates was about evenly divided on this recommendation, with a bare majority voting in favor. As previously pointed out, it was overwhelmingly favored by the Special Committee.

4. It is recommended that legislation be enacted which would confer on the Administrative Committee of the Probate Courts those full powers which are now vested in the Administrative Committee of the District Courts. It is urged that the bill introduced in 1955 to achieve this purpose, pursuant to the recommendation of the Judicial Survey Commission, be once again presented to the Legislature.

5. It is recommended that the provision of General Laws, Chapter 211, Section 3, be amended, if need be, in order that the Supreme Judicial Court will have adequate power to deal with any judicial improprieties.

6. It is acknowledged that appraiserships in the Probate Court have to a large extent outlived their usefulness. It is, therefore, recommended that the appointment of an appraiser be permitted only on the petition of the fiduciary or other interested persons when such petitioner can support his request by a finding that a need for an appraiser does in fact exist. It is also recommended that when such appointments are to be made they should be done by the court and not by the Registers of Probate.

7. Since the Probate Court Administrative Committee bill will, if enacted, permit the assignment of Probate Judges from one county to another, no recommendation is made at this time of a further consolidation of the Probate Court which is organized on a county basis.

8. Although the Committee on the Judiciary reflected on and discussed at length the situation concerning family law in Massachusetts, it was felt that the bench and bar should watch the new conciliation division in the Probate Courts of Norfolk and Worcester before making any firm recommendations in this difficult area. The Committee was, however, troubled that more was not now being done to adopt the best features of the Family Court which has had a great deal of success in other jurisdictions.

9. It is recommended that the use of District Court judges in the Superior Court for the trial of misdemeanors and motor vehicle cases be continued.

10. The Committee is opposed to the suggestion that general equity jurisdiction be granted to any court not now possessing such jurisdiction.

11. It is proposed that study be given to the question of whether or not the Supreme Judicial Court needs a new power or a new rule to send any *nisi prius* case that comes before it to the Superior Court for disposition.

12. Some members of the Committee on the Judiciary felt that the Commonwealth needed ten or even twelve more Superior Court judges. The full committee of 19, with one dissent, and the Board of Delegates unanimously, voted the introduction of legislation to provide eight additional Superior Court judges. It was felt that this is the best way to bring about a permanent improvement in the administration of justice.

13. It is recommended that the Land Court needs at least two more engineers and a third engineer for anticipated work in relating registration survey to the Massachusetts Co-ordinate System. Beside needing more engineers the Land Court also needs additional administrative, stenographic and clerical help. Pending the preparation of the Land Court's budget request for the next fiscal year the Board of Delegates of the Massachusetts Bar Association does not at this time make a determination of specific needs for this important part of the administration of justice. It is also noted that the quarters of the Land Court are wholly inadequate and a court of the dignity and importance of the Land Court deserves all possible financial support.

14. It is noted by the Committee that Massachusetts has lagged behind the vast majority of states which have enacted legislation conferring on the judiciary full rule-making power. It is recommended, therefore, that legislation similar to the law proposed by the 1956 Judicial Survey Commission be enacted into law by the General Court. Section 1 of the proposed law states: "The Supreme Judicial Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings and motions, and the rules of pleadings, practice and procedure in civil and criminal cases and in all other proceedings in all the courts of the Commonwealth." The Committee feels that the experience in other jurisdictions where thirty-two states and the Federal government have vested their Supreme Courts with the power to make rules superseding prior inconsistent statutory enactments should be followed.

  
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